

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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**DONALD J. TRUMP FOR  
PRESIDENT, INC., et al.,**

**Plaintiffs,**

**v.**

**KATHY BOOCKVAR, et al.,**

**Defendants.**

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**Case No. 4:20-cv-02078-MWB**

***(filed electronically)***

**MOTION FOR LEAVE TO JOIN BRIEF OF AMICI CURIAE  
PENNSYLVANIA SENATE REPUBLICAN CAUCUS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Movants, Speaker of the Pennsylvania House of Representatives Bryan Cutler and Majority Leader of the House of Representatives Kerry Benninghoff (together, the “House Leaders”), by and through their undersigned counsel, seek leave to participate in this case as Amici Curiae in support of Plaintiffs’ motion for preliminary injunction. The House Leaders seek to join in the Brief of Amici Curiae Pennsylvania Senate Republican Caucus.

This case involves a fundamental state constitutional question relating to the guarantee of secrecy in voting, as set forth in Article VII, Section 4 of the Pennsylvania Constitution. Pa. Const. art. VII, § 4. Certain counties in the Commonwealth inspected mail-in ballots cast in the 2020 Presidential Election and notified electors whose mail-in ballots lacked a secrecy envelope in order to allow

those electors to “cure” the invalid ballot. This conduct of inspecting mail-in ballots to allow for “curing” deficiencies compromised the electoral process and the secrecy guaranteed under Article VII, Section 4 of the Pennsylvania Constitution.

The House Leaders, as leaders of one of the two legislative chambers integral to passing election laws in Pennsylvania, have a strong interest in the outcome of this case. They have a unique interest in ensuring that the election process satisfies constitutional requirements. Accordingly, the House Leaders seek to join the Brief of Amici Curiae Pennsylvania Senate Republican Caucus, which details the negative impact to the electoral process from the conduct of “curing” invalid mail-in ballots.

WHEREFORE, the House Leaders request that this Court grant this Motion for Leave so that the House Leaders can join in the Brief of Amici Curiae Pennsylvania Senate Republican Caucus.

Dated: November 18, 2020

Respectfully submitted,

**CHALMERS & ADAMS LLC**

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House of Representatives Bryan Cutler and  
Majority Leader of the House of  
Representatives Kerry Benninghoff*

**CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE**

Pursuant to Local Rule 7.1, I hereby certify that on November 18, 2020, I sought the concurrence of the parties in the present motion. Counsel for Plaintiffs concurs; counsel for the other parties did not respond to undersigned counsel's request for concurrence.

/s/ Zachary M. Wallen

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Motion to be served via the Court's  
CM/ECF system.

/s/ Zachary M. Wallen